

**DAVID STEBBINS,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** ) **Case No. 10-3305-CV-S-RED**  
 )  
 **RELIABLE HEAT & AIR, LLC, et al.,** )  
 )  
 **Defendants.** )

Pending before the Court is Plaintiff's Renewed Motion to Compel Discovery (Doc. 108). In April, Plaintiff appealed this Court's order on Plaintiff's motion to confirm arbitration award. In conjunction with the appeal, this Court stayed all deadlines. On June 1, 2011, the United States Court of Appeals for the Eighth Circuit dismissed Plaintiff's appeal for lack of jurisdiction. Plaintiff filed the instant Motion on June 2, 2011. The Court is not able to rule on Plaintiff's Motion at this time because it has not recovered jurisdiction from the Eighth Circuit. The Eighth Circuit must issue a mandate for this Court to recover jurisdiction and proceed with the case. Accordingly, Plaintiff's Motion (Doc. 108) is **DENIED** without prejudice to refiling once the Eighth Circuit issues a mandate. Plaintiff's Motion to Reinstate Stay (Doc. 115) is **DENIED** as moot.

DATED: June 21, 2011

RICHARD E. DORR, JUDGE  
UNITED STATES DISTRICT COURT